

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

VINCENT NEWMAN,

Plaintiff,

v.

Case No. 08-10388
Honorable Patrick J. Duggan

J. COATS, RUO LUEBS, and RUM
CHARLES INGRAM,

Defendants.

**ORDER GRANTING PLAINTIFF'S REQUEST FOR
AN EXTENSION OF TIME TO FILE OBJECTIONS**

Plaintiff, a Michigan prisoner, filed this *pro se* action against Defendants pursuant to 42 U.S.C. § 1983. On June 9, 2008, Defendants filed a motion to dismiss and/or for summary judgment. This Court referred the motion to Magistrate Judge Paul J. Komives for report and recommendation. Magistrate Judge Komives issued his Report and Recommendation (R&R) on February 25, 2009. In the R&R, Magistrate Judge Komives advises the parties that they may object to and seek review of the R&R, but are required to do so within ten days of service. (Doc. 22 at 39.)

This Court reviewed Magistrate Judge Komives' R&R after the ten days for filing objections expired. At that time, the Court discovered that the R&R had been sent to Plaintiff at the Kinross Correctional Facility, where he was incarcerated when he filed his complaint. Subsequently, however, and before Magistrate Judge Komives issued his R&R, Plaintiff had been moved to the Chippewa Correctional Facility. Therefore, on

March 25, 2009, this Court re-mailed a copy of the R&R to Plaintiff at the correct location.

On April 1, 2009, Plaintiff filed a request for an extension of time to file objections to the R&R pursuant to Federal Rule of Civil Procedure 6(b). According to Plaintiff, he did not receive the R&R until March 27 and he could not submit a request to use the prison law library to prepare his objections until March 30, 2009. Plaintiff indicates that April 1 would be the earliest date he would have access to the law library. Plaintiff does not state how much additional time he needs to file his objections to the R&R.

Federal Rule of Civil Procedure 6(b)(1) provides in relevant part: “When an act may or must be done within a specified time, the court may, for good cause, extend the time: (A) with or without motion or notice if the courts acts, or if a request is made, before the original time or its extension expires . . .” Plaintiff has moved for an enlargement of time before the 10 days for filing objections expired. He provides good cause for his request.

Accordingly,

IT IS ORDERED, that Plaintiff’s request for an extension of time in which to file objections is **GRANTED** and Plaintiff shall file any objections on or before April 20, 2009.

DATE: April 6, 2009

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

Copies to:

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